



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.7206 of 2021

Periyasamy

... Petitioner

Vs.

State by,
The Inspector of Police,
IPREC Chennai Unit,
St.Thomas Mount Police Station,
Chennai.(Crime No.6 of 2021)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.6 of 2021 on the file of respondent police.

For Petitioner : Mr.N.R.Kaushik

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 486 and 420 of IPC and 51(b)(1) & 63(a) of Copyrights Act, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has counterfeited cement bags in the name and style of JK Cements manufactured, marketed and sold by Surya Pulvarisers at Villupuram District. The substandard quality cement bags sold in the name of JK Cements Ltd, spoiling the brand name and cheating the public, thereby causing revenue loss to the Government. On a complaint received from one Elanchezian, the defacto complainant the authorized person on behalf of JK Cement Ltd, the respondent police conducted search and seized the counterfeited cement bags. With these allegations the respondent police had registered a case as against the petitioner.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner.

5.Considering facts and circumstances of the case, there being no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Villupuram, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of the Commissioner, Greater Chennai Corporation, Chennai for the rehabilitation and improvement of the basic needs of the Corporation Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgment, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

25/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
IPREC CHENNAI UNIT, ST.THOMAS MOUNT POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE COMMISSIONER, GREATER
CHENNAI CORPORATION, CHENNAI

CC to M/S.N.R.KAUSHIK Advocate on payment of necessary charges

CRL OP.7206/2021

Date :25/06/2021

RVR 16/07/2021